

Remarks

Amendments to the Claims

Upon entry of the foregoing amendment, claims 1, 3-16 and 18-20 are pending in the application. Of the pending claims, claims 1, 11 and 15 are independent. Claims 1, 11 and 15 have been amended to include a limitation with respect to the fluid communication channel. The amended claims all specifically require a fluid communication channel capable of performing the function of enabling fluid to flow from one inflatable compartment into the other inflatable compartment.

The claims have been rejected as being unpatentable over Boyd in view of Saltness and in further view of Mattson or Lindsay. Boyd is cited as the base reference for all pending rejections. This rejection is respectfully traversed for the reasons as previously argued as well as the additional reasons presented below. As the inventor and current owner of the base reference Boyd, the applicant is in a unique position to comment on the intent and purpose of the invention of Boyd. Boyd discloses a waterbed mattress including a vinyl watertight water bladder covered by an inflatable air cushion (see lines 1-2 of the abstract and lines 5-7 of column 1). The inflatable air cushion provides at least two functions which are important to the invention of Boyd. As can be seen in Figure 8, the air cushion forms an insulating layer 55 which greatly reduces the heat lost by the user's body due to conduction to the water in the water bladder (column 3, lines 56-62). The inflatable air cushion can also be used to adjust the firmness of the mattress without spilling any water (column 1, lines 44-48). Adding or removing air from the inflatable air cushion allows a user to adjust the feel of

the mattress. As pointed out by the examiner, Boyd fails to teach or suggest that the first and second compartments are in fluid communication with each other.

The examiner has stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mattress disclosed by Boyd to have a fluid communication channel, as taught by Saltness, to provide a means for maintaining a desired shape upon inflation. It is respectfully submitted that such a modification would destroy the intent and purpose of the invention of Boyd. Specifically, the inclusion of a fluid communication channel between the air cushion and the water bladder would negate the benefits identified above. The suggested modification would allow water to flow from the water bladder into the air cushion where the water would cause a user to suffer heat loss by conduction to the water. The suggested modification would also defeat the purpose of easily adjusting the firmness and comfort of the mattress.

In the response to arguments section of paper #7, the examiner refers to figure 7 and the disclosure that zone 51 is "at least partially filled with water" as indicative of the desirability of having water in both chambers. This does not mean that the first and second compartments are in fluid communication with each other. The device of Boyd specifically requires a watertight water bladder 13 and an airtight air cushion 23. The airtight construction of the air cushion 23 provides an insulating layer 55 between the user and the water bladder 13 (column 3, lines 56-57). Even if zone 51 is partially filled with water, the relatively small volume of water will rapidly warm to body temperature and thus will still provide an insulating layer between the user and the water bladder. Moreover, a partially filled zone 51 will still have a layer of air to

insulate the body. The inflation valves 39 allow for individual adjustment of the firmness of each zone (column 3, lines 34-37). If, as suggested by the examiner, the first and second compartments were in fluid communication with each other, then neither of these functions could be performed. Even if a zone is partially filled with water as shown in figure 7, the Boyd device still functions as intended only if bladder 13 is not in fluid communication with cushion 23 (i.e. the water in zone 49 comes from somewhere other than bladder 13).

In addition to the arguments against modifying the Boyd device, there is no indication of a problem of maintaining the shape of the Boyd device upon inflation. The Boyd device is a *waterbed* mattress that is intended to be filled with water in bladder 13. A waterbed mattress is held in a frame after being filled with water. The weight of the water and the frame itself provide the shape of the mattress. There is nothing to suggest that the Boyd device does not maintain a desired shape as it is filled with water. As a result the examiner's suggested modification of Boyd would be unnecessary to solve a non-existent problem.

As the proposed modification of Boyd in view of Saltness destroys the intended function of Boyd and does not solve a recognized or suggested problem, the examiner has failed to establish a prima facie case of obviousness. For this reason, applicant respectfully requests that the examiner withdraw the rejection. The dependent claims should also be allowed at least for the reasons stated above.

Saltness also fails to establish a prima facie case of obviousness when considered alone. Saltness does not disclose separate top and bottom compartments having

distinct layers. There is also no additional seal connecting the first inflatable compartment to the second inflatable compartment.

Mattson also fails to establish a prima facie case of obviousness when considered alone. Mattson does not disclose a plurality of fluid communication channels providing fluid communication between the first and second inflatable compartments.

Lindsay, Jr. also fails to establish a prima facie case of obviousness when considered alone. Mattson does not disclose a plurality of fluid communication channels providing fluid communication between the first and second inflatable compartments.

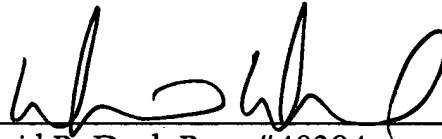
Conclusion

Accordingly, Applicants respectfully submit that independent claims 1, 11 and 15 are allowable over the prior art of record. For similar reasons, Applicants urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully
requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Deal', written over a horizontal line.

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